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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-----------------------------|---------------------|------------------|
| 10/530,030   | 11/04/2005  | Tohru Kanegae               | 8048-1097           | 2136             |
| 465 7590 01/15/2010<br>YOUNG & THOMPSON<br>209 Madison Street<br>Suite 500<br>Alexandria, VA 22314 |             |                             |                     |                  |
| EXAMINER<br>HEYI, HENOK G  |             |                             |                     |                  |
| ART UNIT<br>2627   |             | PAPER NUMBER                |                     |                  |
| NOTIFICATION DATE<br>01/15/2010  |             | DELIVERY MODE<br>ELECTRONIC |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

# Office Action Summary

**Application No.**

10/530,030

**Applicant(s)**

KANEGAE ET AL.

**Examiner**

HENOK G. HEYI

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 49-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 49-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/01/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 10/06/2009 have been fully considered but they are not persuasive. Applicant argues that Murase does not disclose the "object data including the switchable parallel content information", "selection judgment information" and "command information...." However, all those limitations are of information and there is nothing in the claims that positively connects these data information with a device.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 49-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Murase et al. US 6,285,826 (Murase hereinafter).

Regarding claims 49-55, Murase teaches an information record and reproduction medium, method and apparatus (see Fig. 34) comprising: object data comprising a title (primary text information(PRM\_TXTI) containing titles for the reproduction path, col 6 lines 53-56) which includes (i) a plurality of switchable parallel content information which can be reproduced so as to be switched and (ii) a plurality of sequential content information which can be reproduced so sequentially (The reproduction path can be either of two types: an original PGC referring to all AV data on the disc, or a user-

defined PGC defining a user-selected reproduction sequence of AV data on the disc, col 9 lines 61-64) and each of which includes a plurality of packets, wherein the plurality of switchable parallel content information and the plurality of sequential content information are multi-recorded by a unit of a packet such that the title can be recorded by an information record apparatus or can be reproduced by an information reproduction apparatus (The resulting compressed video and audio streams are multiplexed to a single stream using a method known as the MPEG system. FIG. 37 shows the organization of an MPEG system stream. As shown in FIG. 37, each 2 KB sector comprises a pack header 41, packet header 42, and payload 43. The MPEG system thus has a hierarchical structure comprising packs and packets, Col 3 line 38-45); and reproduction control information for controlling a reproduction of the object data, wherein the reproduction control information includes: a plurality of play list information (The play list information stored in the management information can be used to inform the user what type of content will be presented from each reproduction path before playback starts, col 6 lines 48-52), command information and object information (the input block, encoder, and track buffer are initialized by a command from the system controller, col 23 lines 34-40), at least one of the play list information includes: first item information and second item information, the first item information defines a reproduction sequence of the sequential content information, which constructs a part of one title, by a unit of an item arranged on a time axis, the second item information defines a reproduction sequence of the plurality of switchable parallel content information, which constructs other part of the one title, by the unit of the item, the

command information selects one play list information from among the plurality of play list information which includes at least the second item information, on the basis of selection judgment information which is inputted or set with respect to an information reproducing apparatus for reproducing the content information (Which is the preferred or representative mode when there are plural modes can be detected by, for example, comparing the total time of each mode and selecting the mode with the longest time, or sending a code in the broadcast signal indicating a pre-selected preferred mode, col 14 lines 45-52), the object information includes address information for indicating an address of each of the plurality of switchable parallel content information and the plurality of sequential content information which are defined by the first item information and the second item information, respectively, each of the object data and the reproduction control information is recorded into a different area, respectively, some of the content information are reproduced by the object information specified by the item information belonging to the one play list information selected on the basis of the selection judgment information (an M\_VOBI also contains a filter (TMAP) for converting time and address information, col 9 lines 52-55)

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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